

**United States Bankruptcy Court  
Central District of California  
Riverside  
Judge Mark Wallace, Presiding  
Courtroom 225 Calendar**

**Tuesday, January 8, 2019**

**Hearing Room 225**

9:00 AM

**6:18-19208 Lisa Ann Slater and Brent Charles Slater**

**Chapter 7**

**#1.00**

Kimball, Tirey & St. John, movant attorney

Motion for Relief from Stay

Encanto Apartment Homes, LP vs. DEBTORS  
(Motion filed 12/12/18)

Re: 28155 Encanto Dr. #1212, Menifee, CA 92586

Docket 15

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

The Court will grant the motion.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Lisa Ann Slater

Represented By  
Barry M Walker

**Joint Debtor(s):**

Brent Charles Slater

Represented By  
Barry M Walker

**Trustee(s):**

Karl T Anderson (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 8, 2019**

**Hearing Room 225**

9:00 AM

**6:18-19292 Daniel James Dykema and Xiao Yan Dykema**

**Chapter 7**

**#2.00**

Malcolm Cisneros, movant attorney

Motion for Relief from Stay

Freedome Mortgage Corporation vs. DEBTORS  
(Motion filed 11-29-18)

Re: 700 Tyrol Drive, Crestline, CA 92325

Docket 11

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

The Court will grant the motion under § 362(d)(1).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Daniel James Dykema

Represented By  
M Wayne Tucker

**Joint Debtor(s):**

Xiao Yan Dykema

Represented By  
M Wayne Tucker

**Trustee(s):**

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 8, 2019**

**Hearing Room 225**

9:00 AM

**6:18-19424 Librada Fernandez Stahlhut**

**Chapter 7**

**#3.00**

Cooksey, Toolen, Gage, Duffy & Woog - movant attorney

Motion for Relief from Stay

Wells Fargo Bank vs. DEBTOR, Todd A. Frealy, Trustee  
(Motion filed 12/6/18)

Re: 2014 Toyota Prius, VIN: JTDKN3DU4E1775928

Docket 9

**Tentative Ruling:**

**APPEARANCES NOT REQUIRED.**

The Court will grant the motion under § 362(d)(1) and (d)(2).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Librada Fernandez Stahlhut

Pro Se

**Trustee(s):**

Todd A. Frealy (TR)

Pro Se

**United States Bankruptcy Court  
Central District of California  
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**Tuesday, January 8, 2019**

**Hearing Room 225**

9:00 AM

**6:18-19808 Ileana McKenna**

**Chapter 7**

**#4.00**

Weinstein & Riley, movant attorney

Motion for Relief from Stay

USAA Federal Savings Bank vs. DEBTOR  
(Motion filed 12/13/18)

Re: 2015 BMW M4, VIN: WBS3R9C56FK334537

Docket 8

**Tentative Ruling:**

**APPEARANCES NOT REQUIRED.**

The Court will grant the motion under § 362(d)(1) and (d)(2).

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Ileana McKenna

Represented By  
Jennifer Ann Aragon

**Trustee(s):**

Charles W Daff (TR)

Pro Se

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9:00 AM

**6:18-20167 Dena Fry**

**Chapter 7**

**#5.00**

Bary Lee O'Connor - movant attorney

Motion for Relief from Stay

Value Hotels Corp vs. DEBTOR  
(Motion filed 12/17/18)

Re: 10705 Magnolia Ave #212 Riverside, CA 92505

Docket 13

**\*\*\* VACATED \*\*\* REASON: Case Dismissed on 12/21/18 - jc**

**Tentative Ruling:**

- NONE LISTED -

<b>Party Information</b>
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**Debtor(s):**

Dena Fry

Pro Se

**Movant(s):**

Value Hotels Corp dba Riverside Inn

Represented By  
Barry L O'Connor

**Trustee(s):**

Lynda T. Bui (TR)

Pro Se

**United States Bankruptcy Court  
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**Tuesday, January 8, 2019**

**Hearing Room 225**

2:00 PM

**6:14-11644 Vickie Lee Atkins**

**Chapter 7**

**#1.00**

Hrg. on Debtor's Motion filed 11/29/18 to Reopen Chapter 7 Case

Docket 15

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

The Court will grant the motion.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Vickie Lee Atkins

Represented By  
Brian J Soo-Hoo

**Trustee(s):**

Robert Whitmore (TR)

Pro Se

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**Hearing Room 225**

2:00 PM

**6:17-19363 Manuel Salvador Noyola Garcia and Martha Figueroa**

**Chapter 7**

**#2.00**

Hrg. on Trustee's Final Report; Applications for Compensation

Docket 0

**Tentative Ruling:**

**APPEARANCES NOT REQUIRED.**

The Court will grant and allow:

Trustee's fees: \$1,260.85

Trustee's expenses: \$109.57

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Manuel Salvador Noyola Garcia

Represented By  
Michael A Rivera

**Joint Debtor(s):**

Martha Figueroa Osorio

Represented By  
Michael A Rivera

**Trustee(s):**

Charles W Daff (TR)

Pro Se

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2:00 PM

**6:17-20442 Timothy David Murphy**

**Chapter 7**

**#3.00**

Hrg. on chapter 7 trustee's Motion filed 12/6/18 for Turnover of Estate Property and Documents

Docket 90

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

The Trustee is entitled to inspect the vehicles at issue and, if the Trustee elects, to have them appraised. The Motion is granted, but subject to Debtor's claim of exemptions. In other words, if the Trustee elects to have the vehicles appraised, and the appraiser agrees with Debtor's asserted value, the exemptions will apply and the Debtor will be entitled to keep them.

TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

<b>Party Information</b>
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**Debtor(s):**

Timothy David Murphy

Represented By  
Timothy D Murphy

**Trustee(s):**

Lynda T. Bui (TR)

Represented By  
Michelle A Marchisotto



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**6:17-20442 Timothy David Murphy**

**Chapter 7**

**#4.00**

Hrg. on chapter 7 trustee's Application filed 11/26/18 to Employ Hahn Fife & Co., LLC as Accountant

Docket 85

**Tentative Ruling:**

**APPEARANCES REQUIRED.**

Chapter 7 Trustee Lynda T. Bui (the "Trustee") applies to the Court (the "Application") for authorization to employ Hahn Fife & Company LLP ("Hahn-Fife") as accountants for the estate to perform tasks such as filing required federal and state tax returns and reviewing financial documents. Debtor Timothy D. Murphy ("Debtor") objects to the Application on the grounds that (1) no tax returns are required to be filed for 2018 in view of the bankruptcy's minimal income, and (2) Hahn-Fife has no expertise in Florida trust or estate accounting practice.

Debtor admits that this is a "no asset case" with claims filed against the estate exceeding \$1 million. By the Debtor's own admissions, then, this is not a surplus case – a case where nonexempt assets exceed liabilities and one in which the debtor can look forward to a distribution of surplus by the chapter 7 trustee after all allowed claims are paid in full.

The law is clear in this situation that the Debtor lacks standing to object to the Trustee's Application to employ Hahn-Fife. A hopelessly insolvent debtor does not have standing to contest orders affecting the size of the estate because such an order would not diminish the debtor's property, increase his burdens or detrimentally affect his rights." *Duckor Spradling & Metzger v. Baum Trust (In re P.R.T.C., Inc.)*, 177 F.3d 774, 778 n.2 (9th Cir. 1999); *Fondiller v. Roberston (In re Fondiller)*, 707 F.2d 441, 442 (9th Cir. 1983).

The Court wishes to make clear, however, that no portion of the Debtor's exempt

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**CONT... Timothy David Murphy Chapter 7**

assets (or any proceeds thereof) can be used to pay accounting fees of Hahn-Fife or any other professional employed by the estate. *Debilio v. Golden (In re Debilio)*, BAP No. CC-13-1441-TAPaKi, 2014 Bankr. LEXIS (B.A.P. 9th Cir., Sept. 11, 2014) (unpublished but cited for persuasive value).

With that one caveat, the Court approves the Application.

<b>Party Information</b>
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**Debtor(s):**

Timothy David Murphy

Represented By  
Timothy D Murphy

**Trustee(s):**

Lynda T. Bui (TR)

Represented By  
Michelle A Marchisotto